

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MORREAU COMBAT, LLC

**PLAINTIFF/
COUNTER-DEFENDANT**

v.

CAUSE NO. 1:17CV123-LG-RHW

**DAVID MORREAU and
MCOMBAT, INC.**

**DEFENDANTS/
COUNTERCLAIMANTS**

ORDER GRANTING MOTION TO RESTRICT ACCESS TO EXHIBITS

THIS MATTER IS BEFORE THE COURT on Plaintiff's [59] Motion to Restrict Access to Exhibits H and I to Plaintiff's [54] Motion for Preliminary Injunction and Replevin. Having reviewed the Motion, supporting Exhibits and Memorandum, the Court finds as follows:

1. The documents at issue which Plaintiff seeks to have restricted are (a) a provisional patent application filed by David Morreau with the U.S. Patent and Trademark Office on March 15, 2017 (Exhibit H), and (b) design drawings for a Flash Signature Hider (FSH) prepared by Frederick Machine & Tool Works, Inc. of New Iberia, Louisiana (Exhibit I).

2. Although ownership of the intellectual property represented by the provisional patent application and Frederick's drawings is disputed, both parties have expressly or implicitly stated that they are trade secrets, would be harmed by their disclosure at this time, and need to be protected from public access. Furthermore, provisional patent applications are deemed confidential and not published per federal law. 35 U.S.C. § 122; 37 C.F.R. § 1.14.

3. After balancing the equities between the public's right to access and

the parties' interest in the drawings, the Court finds the scales tip in favor of maintaining the secrecy and confidentiality of Exhibits H and I. Restricting the exhibits from public access with CM/ECF access permitted only to litigants' counsel, is the most appropriate means to accomplish this.

4. Restricting these documents until further order of this Court, or until a patent application has been granted by the U.S. Patent and Trademark Office, is also appropriate under the circumstances.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the [59] Motion to Restrict Access to Exhibits H and I to Plaintiff's [54] Motion for Preliminary Injunction and Replevin is **GRANTED**. Plaintiff shall provide the exhibits and a notice of conventional filing to the Clerk of Court, who shall file the Exhibits as restricted attachments to Plaintiff's [54] Motion for Preliminary Injunction and Replevin.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Clerk of Court shall restrict the Exhibits from public access, granting access only to the litigants' counsel who have appeared of record via the CM/ECF system.

IT IS, FURTHER, ORDERED AND ADJUDGED that access to these Exhibits shall remain restricted until further order of the Court.

SO ORDERED AND ADJUDGED this the 22nd day of February, 2018.

s/ *Louis Guirola, Jr.*
Louis Guirola, Jr.
United States District Judge